

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 15640 of 2007(J)

PETITIONER:

DEVAKI, W/O.PRABHAKARAN,
VANWVAN PADAM, P.O.NANNIYODE, CHITTUR TALUK,
PALGHAT DISTRICT.

BY ADV. SRI.A.K.MADHAVAN UNNI
SRI.S.RAMACHANDRAN

RESPONDENTS:

1. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES AND JUNIOR INSPECTOR/SPECIAL SALE
OFFICER, KODUVAYOOR SERVICE CO-OPERATIVE
BANK GROUP, KODUVAYOOR, PALAKKAD.
2. THE PERUMATTY SERVICE CO-OPERATIVE
BANK LTD., VANDITHAVALAM, VILAYODI, PALAKKAD
DISTRICT, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.K.RAMAKUMAR
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 TRUE COPY OF THE PLAINT DTD. 18-11-00 IN THE ARBITRATION CASE
- EXT.P2 TRUE COPY OF THE NOTICE DTD. 20-03-2007
- EXT.P3 TRUE COPY OF THE ORDER OF THE PUBLIC NOTICE DISPLAYED IN
THE BANK PREMISES BEARING NO DATE.
- EXT.P4 TRUE COPY OF THE NOTIFICATION IN FORM NO.8 UNDER RULE 81(E)
OF THE CO-OPERATIVE SOCIETIES RULES.

RESPONDENT'S EXHIBITS

- EXT.R2(A) TRUE COPY OF AWARD DTD. 13-8-01 BY R1
- EXT.R2(B) TRUE COPY OF EXECUTION PETITION DTD. 31-12-01 FILED BY R2 BANK
- EXT.R2(C) TRUE COPY OF OFFICE NOTE DTD. NIL BY R1
- EXT.R2(D) TRUE COPY OF THE NOTICE DTD. 7-4-03 BY R1
- EXT.R2(E) TRUE COPY OF NOTICE DTD. 4-2-05 BY R1
- EXT.R2(F) TRUE COPY OF INTIMATION DTD. 16-6-05 BY R1

/True Copy/

K. M. JOSEPH, J.

W.P.C. NO. 15640 OF 2007 J

Dated this the 11th July, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Recovery steps have been taken. Heard the learned counsel for the petitioner and also the learned counsel for the respondent Bank. Counsel for petitioner submits that the petitioner is entitled to the benefit of Circular No.30/07. He submits that petitioner may be permitted to pay the amount payable, in instalments. The Writ Petition is disposed of as follows:

The respondent Bank will serve a Statement on the petitioner showing the amount payable by the petitioner after considering whether she is entitled to the benefit of Circular No.30/07 and granting such benefits thereunder, if it is found that the petitioner is entitled to the same. The Statement will show the amount of instalments to be paid by the petitioner on the basis that the petitioner is to pay the same in seven equal monthly instalments. Such a Statement shall be served on the

petitioner within two weeks from today. The petitioner is permitted to pay off the amount in seven equal monthly instalments. The first instalment shall be payable on or before 16.8.2007 and the remaining instalments shall be paid on or before the 16th of every succeeding month. If any of the instalments is not paid, petitioner will lose the benefit of this Judgment and the respondent Bank will be free to proceed against the petitioner in accordance with law.

K. M. JOSEPH, JUDGE

kbk.